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Chairman: Mr. Enkhsaikhan ..... (Mongolia)

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The meeting was called to order at 10.15 a.m

Agenda item 155: Measures to eliminate international terrorism (A/53/37, A/53/66–S/1998/115, A/53/71, A/53/72–S/1998/156, A/53/95–S/1998/311, A/53/117–S/1998/371, A/53/131–S/1998/435, A/53/285, A/53/300, A/53/314 and Corr.1 and 2 and Add.1, A/53/341, A/53/371–S/1998/848, A/53/489, A/53/532–S/1998/984, A/53/552–S/1998/1010, A/53/560–S/1998/1019 and A/53/646; A/C.6/53/2, A/C.6/53/3, A/C.6/53/4, A/C.6/53/5, A/C.6/53/6, A/C.6/53/7, A/C.6/53/9; and A/C.6/53/L.4)

1. **Mr. Kirsch** (Chairman of the Ad Hoc Committee and the Working Group of the Sixth Committee) said that the Ad Hoc Committee to elaborate a draft international convention on the suppression of acts of nuclear terrorism had been established by the United Nations General Assembly in 1997 as one of numerous measures adopted by the United Nations in recent years in order to strengthen the international legal framework to combat terrorism. The Ad Hoc Committee had held its second session in February 1998 and had continued its work during a two-week period in September and October 1998, at the fifty-third session of the General Assembly, in a Working Group of the Sixth Committee. The session of the Ad Hoc Committee had been divided between a general discussion of the form and content of the new instrument and a first reading of each of the provisions of a draft convention helpfully prepared by the Russian Federation. It had been generally agreed that any such instrument should complement and be consistent with existing international instruments, particularly the Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Terrorist Bombings. There had also been broad support for the proposal that in the area of international criminal law, the new instrument should draw heavily on the latter of those conventions, which was the most recent anti-terrorism instrument to be developed, without prejudice to the possibility of departing from some of its provisions if there was good reason to do so. On the other hand, discussion had indicated the need for considerably more work on provisions specific to nuclear terrorism. In light of those discussions, the members of the Bureau of the Committee had held an informal inter-sessional meeting and had drafted a new text for most of the provisions of a new convention, which had been submitted to the working group as a discussion paper presented by the "Friends of the Chairman". On the basis of discussion of those and subsequent provisions, the "Friends of the Chairman" had submitted yet another discussion paper, which had amended some provisions and added others. Finally, the "Friends of the Chairman" had prepared a proposal (A/C.6/53/WG.1/CRP.35/Add.1), which was contained in annex I to the report of the Working Group (A/C.6/53/L.4).

2. The new legal instrument was unique in that it was proactive rather than reactive and that it defined certain offences which States must criminalize, if they had not done so already, and made them subject to a prosecute-or-extradite scheme. It also contained provisions on mutual assistance, the return of materials and other forms of cooperation. The new instrument was notable in that it extended the scope of article 2, which dealt with offences, to include the intent to cause substantial damage to the environment. Although some delegations would have preferred a specific reference to radioactive wastes, ultimately no such reference had been included. The criminal law provisions of the convention were aimed at ensuring the prosecution and punishment of those who committed offences of nuclear terrorism. The traditional prosecute-or-extradite provisions had been strengthened through the inclusion of a provision for the conditional surrender of an accused by a State which did not normally extradite its own nationals. Another notable development, which had first appeared in the Convention for the Suppression of Terrorist Bombings, stipulated that States parties could not refuse a request for extradition or judicial assistance solely on the grounds that the offence had been politically motivated.

3. Article 18 imposed on States Parties the obligation to consult with each other concerning modalities for the return of materials and exhorted them to provide mutual assistance to the maximum extent possible. With respect to the scope of application, covered by the final preambular paragraph and article 4, it had been provisionally decided to repeat the provisions of the Convention for the Suppression of Terrorist Bombings, although there had been dissenting positions which were reflected in the report of the Working Group. He hoped that the informal discussions of that question, which had continued since the conclusion of the Working Group's session, would lead to a solution that would enable the Committee to submit a complete text to the General Assembly and to recommend its adoption. In his view, the unresolved issues with respect to nuclear terrorism did not justify another session of the Ad Hoc Committee and should be resolved during the current session of the General Assembly.

4. **Mr. Tejeira** (Panama), speaking on behalf of the Rio Group, said that ever since its establishment, the Group had demonstrated its firm commitment to peace and security in the hemisphere and its opposition to terrorism. At the twelfth summit of the Rio Group, held in Panama in September 1998, the Heads of State and Government had reiterated their

condemnation of terrorism, which posed a threat to the peace and security of society and to the full exercise of collective and individual rights. They had also expressed concern at the persistence of terrorist acts and abhorrence of the recent criminal attacks on diplomatic missions in Kenya and Tanzania. That situation made it essential to strengthen international cooperation between States in order to take practical, effective measures to prevent, combat and eradicate terrorism in all its forms and manifestations. At the regional level, judicial cooperation to combat terrorism, trafficking in drugs and weapons and other related illegal activities had been strengthened through the implementation of new bilateral and multilateral instruments for mutual assistance and exchange of information.

5. In accordance with General Assembly resolutions 49/60, 51/210 and 52/165 and with other instruments adopted at the inter-American level, including the Lima declaration and plan of action to prevent, combat and eradicate terrorism and the recent Panama City Declaration, the Group expressed its firm intention to adopt the agreed measures and, in that regard, welcomed the second Inter-American Specialized Conference on Traffic in Narcotic Drugs, soon to be held in Argentina. The Group was convinced that any action for the prevention and suppression of terrorism taken at the international level should be fully and completely consistent with international law; for that reason, it supported any measure which would further strengthen and clarify the judicial framework on that issue. In that regard, he noted that the countries members of the Group had supported the establishment of an ad hoc committee to elaborate a draft international convention for the suppression of acts of nuclear terrorism; the latter contained innovative provisions in the areas of cooperation and legal assistance.

6. **Mr. Sucharipa** (Austria), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and, in addition, Iceland and Norway, said that the European Union reaffirmed its unequivocal condemnation of terrorism in all its forms and manifestations, its opposition to making concessions to terrorist demands and its determination to prevent hostage-takers from deriving any benefit whatsoever from their acts. It also confirmed its steadfast determination to combat that evil, since terrorist attacks in whatever form, for whatever reason and by whomever committed were unjustifiable criminal acts. The Union, as well as its member States individually, had taken decisive action in the fight against international terrorism. All the States members of the European Union were parties to the 1977 European Convention on the Suppression of Terrorism. In 1996, they had concluded an agreement on extradition between States members of the European Union, which was another efficient instrument in the fight against terrorism. All the States members of the European Union had ratified the European Police Office (Europol) Convention of 1995, which had entered into force on 1 October 1998. In its external relations, the European Union continued to coordinate its efforts and to collaborate with other States and groups of States in that area.

7. United Nations bodies had adopted a number of resolutions and 11 conventions against terrorism, most of which had been signed and ratified by the States members of the European Union, which pledged to try to ratify the rest of them by the year 2000. The General Assembly had adopted a number of resolutions and declarations, in particular the 1994 and 1996 Declarations on Measures to Eliminate International Terrorism, which represented an appropriate framework for international cooperation in the fight against terrorism. The States members of the European Union had participated actively in the negotiations on the drafting of an international convention for the suppression of acts of nuclear terrorism in order to suppress the use of nuclear materials or radioactive substances in terrorist acts, which would endanger the life and health of untold numbers of people and of the environment. Following intensive negotiations in the Ad Hoc Committee and in the Working Group of the Sixth Committee, the text of the draft convention that appeared in annex I of document A/C.6/53/L.4 had been prepared, and could be regarded as generally acceptable. However, a number of delegations had expressed concerns about certain provisions, including the scope of application. The European Union hoped that those concerns could soon be overcome, since the convention, when concluded, would represent a further step forward in combating terrorism.

8. The European Union commended the approach taken by the Ad Hoc Committee and suggested that existing gaps should be filled while bearing in mind the possibility of considering, in the future, the elaboration of a comprehensive convention on international terrorism. In line with that approach, the European Union welcomed the French initiative on the elaboration, within the framework of the United Nations, of an international convention for the suppression of terrorist financing, since one of the most effective ways of combating terrorists was to cut off their funding. The Union therefore proposed that the Ad Hoc Committee's next step should be to take up that project. It also supported the United Kingdom proposal to hold a conference in London to move forward with that initiative and to consider further international action against terrorist fund-raising. The European Union thanked the Secretary-General for his report

on measures to eliminate international terrorism. It also attached great importance to the information provided by the International Atomic Energy Agency (IAEA), the International Maritime Organization (IMO), the Council of Europe and the South Asian Association for Regional Cooperation (SAARC) on the status of the relevant conventions. It noted with satisfaction the decline in cases of unlawful interference with international civil aviation, as reported by the International Civil Aviation Organization (ICAO), and commended the training activities carried out by the latter. Equally commendable were the efforts of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to reduce the motivation for terrorism through a variety of educational activities, and the project of the Centre for International Crime Prevention to launch a major study on the root causes of terrorism and on practical measures to prevent and counter it. In the hope that the compendium of national laws and regulations concerning terrorism would be published in the near future, the European Union supported the Secretary-General's request to those States that had not yet done so to provide information on their national laws and regulations. Since only concerted action by the international community could win the battle against terrorism, the European Union called upon all States that had not yet done so to accede to all relevant treaties.

9. **Mr. Mapuranga** (Zimbabwe), speaking on behalf of the Movement of Non-Aligned Countries, said that, although substantial progress had been made in the preparation of the draft convention, some issues continued to be of concern to the States members of the Movement, such as those relating to the preamble and to articles 1 and 4 of the draft. States members of the Movement had submitted a number of proposals on those provisions, but they were not reflected in the draft. It would therefore be necessary to allow more time for further consideration of the draft so that consensus could be reached on a text that took the interests of all States into account.

10. The Movement of Non-Aligned Countries was firmly committed to adopting all appropriate measures to eliminate international terrorism, as clearly demonstrated by the call made by the Heads of State and Government of the Movement in the final document of their twelfth summit conference, held in Durban, South Africa, on 2 and 3 September 1998. On that occasion, they had stressed the need to combat terrorism in all its forms and manifestations regardless of the race, religion or nationality of the victims or perpetrators of terrorism, and had emphasized that international cooperation to combat terrorism should be in conformity with the principles of the Charter of the United Nations, international law and relevant international conventions. The Movement of Non-Aligned Countries was committed to ensuring that international instruments adopted in that area enjoyed the widest possible support.

11. **Mr. Lavrov** (Russian Federation) said that he firmly believed that terrorism could be effectively combated only through the joint efforts of the international community and that the measures adopted must be based exclusively on international law. The Russian Federation did not accept the unilateral and extraterritorial use of force against terrorists and advocated instead practical international cooperation at the national, regional and global levels. That was precisely the course which the United Nations had taken, as manifested in the adoption of a number of major documents, such as the 1994 Declaration on Measures to Eliminate International Terrorism, the 1996 Declaration to supplement the 1994 Declaration, which was aimed at preventing the granting of refugee status to terrorists, and the International Convention for the Suppression of Terrorist Bombings, which had been adopted by the General Assembly at its previous session and signed by the Russian Federation on 12 January 1998.

12. The draft International Convention for the Suppression of Acts of Nuclear Terrorism, which had been proposed by the Russian Federation, was the first international legal instrument to combat terrorist activities that was designed as a "pre-emptive instrument". In his delegation's view, the draft text was sufficiently ripe for adoption by consensus during the current session of the General Assembly. That would also give the United Nations the opportunity to start its work on other international legal instruments for suppressing other manifestations of terrorism. In that context, the Russian Federation welcomed the French proposal for the elaboration of an international convention for the suppression of terrorist financing and India's proposal for the elaboration of an international convention that covered all aspects of terrorism.

13. The international community's efforts to combat terrorism must be supplemented by the adoption of measures at the regional and subregional levels. In that connection, the Commonwealth of Independent States had adopted a programme of joint measures to combat organized crime and other types of crime in its territory. On that basis, work had begun on the preparation of international agreements to combat organized crime, illicit arms trafficking and terrorism on aircraft and other means of transportation. In that regard, the Russian Federation welcomed the work being done by the Group of Eight to give new impetus to international cooperation for the suppression of terrorism and, in particular, the important decisions on terrorism which the Group had adopted during its Summit at Birmingham, United Kingdom. For its part, the Russian Federation had taken steps to improve its domestic legislation and to bring it into

compliance with the international obligations which it had contracted. On 1 January 1997, the new Criminal Code of the Russian Federation had entered into force. In comparison with earlier legislation, the new Code increased the number of legal norms to combat terrorism and broadened the interpretation of that crime and its constituent elements. In July 1998, the federal act on the suppression of terrorism had been adopted with a view to strengthening the anti-terrorism activities of the competent Russian authorities both domestically and internationally. The Inter-departmental Commission to Combat Terrorism, which coordinated the efforts of State institutions in that field, was actively working. Finally, practical solutions were being found to issues relating to the Russian Federation's accession to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf; the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection; and the 1997 European Convention on the Suppression of Terrorism.

14. **Mr. Erwa** (Sudan) said that Sudan was continuing its efforts to sign or ratify the remaining international agreements for the suppression of terrorism which it had not yet signed or ratified. Action taken to combat terrorism must be based on respect for international law. In that connection, the Movement of Non-Aligned Countries, together with the Group of African States, the Group of Arab States and the Organization of the Islamic Conference had strongly condemned the aggression committed by the United States of America against the Al-Shifa factory in Khartoum, which produced pharmaceutical and veterinary products. There had been a conflicting response by the United States of America to the international community's reaction. The United States Secretary of Defence had stated that the plant produced biological and chemical weapons, but had later claimed that it produced only chemical weapons precursors. Moreover, the Secretary of Defence had himself stated that when the United States unleashed its missiles against the plant, it had not been aware that the plant produced medicines. Senior United States officials had stated that the factory was heavily guarded, but international media reports and others who had visited the factory had later stated that it was lightly guarded. The same officials had said that the factory was financed by Osama Bin Laden, only to acknowledge later that there was no direct connection between the factory and Osama Bin Laden. Lastly, a high official of the United States Government had declared in *The New York Times* of 21 September 1998 that the decision to target the Al-Shifa plant continued a tradition of taking action against Sudan based on inadequate intelligence. All of that confirmed that the Government of the United States had acted solely in its own interest when it launched the attack in question.

15. Sudan had made every possible effort to establish a dialogue with the United States Government, which had rejected its call for a dialogue between the Presidents of the two countries and the establishment of ties of cooperation between the security organs of the two countries. It had also rejected the invitation which had been sent to the State Department's Advisory Committee on Religious Freedom Abroad to visit Sudan. And, above all, the Government of Sudan had expelled Osama Bin Laden in 1996 to the place that had been chosen by the Government of the United States.

16. All of those attempts at cooperation had been made by Sudan prior to the attack on the Al-Shifa factory. After the strike, Sudan, in conformity with the Charter of the United Nations, had demanded that a fact-finding mission should be established by the United Nations to investigate the allegations concerning the factory's production. Despite calls from most of the world's States, the United States was trying to prevent the Security Council from discussing the proposal to dispatch a fact-finding mission to Sudan. At the same time, it was pressuring the Council to discuss during the current month the humanitarian situation in Sudan, when the destruction of the factory had itself created a very difficult humanitarian situation, in view of the fact that Sudan was a third world country which faced other serious problems caused by floods and the internal conflict in the south of the country.

17. In short, Sudan doubted whether the United States was seriously interested in combating terrorism. The victims of the Nairobi (Kenya) and Dar es Salaam (United Republic of Tanzania) attacks were victims of acts of terrorism committed by individual criminals, but the attack on the Al-Shifa factory had been an act of terrorism by a super-Power, namely, the United States of America. The international community should therefore also work to combat State terrorism.

18. **Mr. Alabrune** (France) said that his delegation endorsed the statement made by Austria on behalf of the European Union. In order to combat the scourge of terrorism, States should not only condemn it in all its forms, but should also seek to eliminate worldwide the human and political tragedies which nourished it, to pursue the perpetrators of terrorist acts more effectively and to deny them refuge. To that end, in the framework of the Declaration on Measures to Eliminate International Terrorism, the General Assembly had requested the Secretary-General to identify gaps that could be addressed in order to develop further a comprehensive legal framework of conventions dealing with international

terrorism. In his report (A/51/336, para. 36), the Secretary-General had, *inter alia*, mentioned terrorist bombings and terrorist fund-raising.

19. The Ad Hoc Committee established pursuant to General Assembly resolution 51/210 of 17 December 1996 had been able to fill some of those gaps through the preparation in the previous year of the International Convention for the Suppression of Terrorist Bombings, which had been signed by 24 States, including France. In 1998 the Ad Hoc Committee had prepared a draft international convention for the suppression of acts of nuclear terrorism on the basis of a particularly welcome proposal by the Russian Federation. The text submitted by the Chairman of the Committee was acceptable to his Government and he hoped that the General Assembly would be able to adopt it by the end of the year.

20. His delegation was further convinced that there was a need for the Ad Hoc Committee to continue its work in the following year, in accordance with the mandate set out in General Assembly resolution 51/210; in that regard, the Minister for Foreign Affairs of France had proposed to the General Assembly that the Committee should negotiate at the current session a convention against terrorist financing. The capacity for action of terrorist organizations depended largely on their financial means, and States could reaffirm their determination to combat terrorism in all its forms by endeavouring to deprive them of such resources, or, at least, to make such resources clearly illegal. There was currently a gap in international law in that respect, since international conventions on the subject did not offer means of effectively tracing those who supplied funds to terrorists. For that reason, his delegation had submitted a draft international convention for the suppression of terrorist financing (A/C.6/53/9). Among the main features of the draft were: the definition of financing and the means envisaged for combating activities of that type, for example, establishing offences and making them punishable by effective penalties; the establishment by States of jurisdiction over such offences; the detention of perpetrators for the purpose of prosecution or extradition; an appeal to States to afford one another the greatest measure of assistance, without claiming privileged communications or bank secrecy; and the adoption by States parties of appropriate measures to allow for identification, freezing or seizure of property and funds used for committing the offences referred to in the convention.

21. His delegation would be grateful if comments could be made on the draft; it was considering the possibility of submitting, early in 1999, a revised version taking into account the comments made, which could serve as a basis for the work of the Ad Hoc Committee. In that connection, he noted with satisfaction the announcement by the United Kingdom that it would convene an international meeting at the end of the year, aimed at facilitating the debates in the Ad Hoc Committee in the following year.

22. The encouraging reactions of many delegations gave rise to the hope that consensus would be reached on the inclusion of the item on terrorist financing in the mandate of the Committee for 1999, a decision that would not affect either the goal of negotiating a global convention on all aspects of terrorism in the future, as India had proposed, or the holding of a world conference on terrorism, as Egypt had proposed.

23. His delegation hoped that in the following year the same number of meetings would be allocated for the work of the Ad Hoc Committee and the Working Group of the Sixth Committee as in 1997 and 1998, since the issue of terrorist financing deserved the same attention as the issues considered in those two years. Moreover, diminishing the efforts to elaborate the legal instruments needed in the fight against terrorism would send the wrong political signal. In the light of the similarities between the draft submitted by his Government and the last two conventions elaborated by the Ad Hoc Committee, it was to be hoped that the new negotiations would bear fruit within a time-frame similar to the previous ones.

24. **Mr. Kerma** (Algeria) said that terrorism, the most serious phenomenon resulting from the globalization of relations between societies and States, was assuming unprecedented proportions; it was a threat to the peace and stability of nations, none of which was immune to its impact.

25. The awareness of the international community that terrorist violence, whatever its forms and motives, was inadmissible, had been shaped by the Declaration on Measures to Eliminate International Terrorism and strengthened by the further decision taken by the General Assembly to make the question of international terrorism one of its highest priorities and to establish the Centre for International Crime Prevention. In taking those decisions, the General Assembly had undoubtedly given a new impetus to the fight against international terrorism and had clearly demonstrated a determination to break with the policies of the past.

26. That new view of terrorism, and the measures proposed to deal with it, constituted a decisive step towards the adoption by the international community of a new, broader and more exemplary form of cooperation in the fight against the terrorist scourge. International cooperation and solidarity were the only guarantees of success in the fight against a phenomenon which hampered the development of friendly relations between States. Accordingly, mention should be

made of such notable achievements as the adoption in the previous year of the International Convention for the Suppression of Terrorist Bombings, the adoption by the League of Arab States of a convention against terrorism and the ongoing efforts of the Organization of the Islamic Conference to elaborate a convention with the same aims. It was to be hoped that the draft international convention for the suppression of acts of nuclear terrorism would be adopted in 1998.

27. Terrorism, which up to then had been nourished and fostered by the lenient policies of some States and the abuse or complaisant use of the right of asylum, was a global phenomenon requiring a global response strategy. One of the central elements of the measures to be adopted by the international community should be the establishment of an international legal framework, particularly the elaboration of an international convention which would deal with terrorist acts in a comprehensive and integrated manner, going beyond their specifities and pecularities. That was one of the basic objectives of the Movement of Non-Aligned Countries, which, since the Durban summit, had repeatedly stressed the urgency of the conclusion and implementation of a general convention of that type. In addition, the holding of an international conference with a view to providing the international community with guidelines in dealing with terrorism at all levels would make a decisive contribution to the achievement of that objective.

28. **Mr. Kamal** (Pakistan) said that, as his country had been a victim of acts of terrorism, including transboundary terrorism, his delegation understood perfectly the consequences which the threat of international terrorism held for the international community. His country practised Islam, a religion of universal peace and brotherhood and a way of life. Its message of love and salvation of humanity characterized the attitudes and policies of Pakistan and the way in which human beings related to each other. Accordingly, his Government condemned terrorism in all its forms and manifestations, regardless of its motives, and reaffirmed its full commitment to fulfilling the obligations incumbent on it in accordance with the international legal instruments on terrorism to which it was a party.

29. Pakistan was adopting internal security measures and had cooperated extensively with the international community to eliminate international terrorism. It had also taken steps for the trial and punishment of hijackers and had extended full cooperation to international organizations such as ICAO. Pakistan was a party to the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963), the Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970), the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971) and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973). Pakistan was also a party to the regional convention on the suppression of terrorism of the South Asian Association for Regional Cooperation.

30. His delegation believed that the international convention on the suppression of acts of nuclear terrorism should be a comprehensive international instrument, rather than a protocol to the Convention on the Physical Protection of Nuclear Material or any other international convention. It was with that positive approach that Pakistan had considered the various provisions of the draft convention, and it concurred with many of the provisions in the revised text. Nonetheless, it had reservations about the incorporation in the text of some of the provisions of the International Convention for the Suppression of Terrorist Bombings. For example, the exception granted to armed forces and the definition of armed forces contained in the International Convention reappeared in article 4, paragraph 2; article 1, paragraph 6; and the last preambular paragraph of the draft convention. The current formulation sanctioned State terrorism, which was the most ignoble form of terrorism. The Movement of Non-Aligned Countries, at its twelfth summit meeting held in Durban (South Africa), had once again condemned the use of State power for repression and violence against innocent civilians struggling against foreign occupation in exercise of their inalienable right of self-determination. The current formulation of article 4, paragraph 2, excluded from the scope of the convention activities undertaken by military forces, even if they were terrorist activities. In Pakistan's view, only those activities of armed forces which were undertaken pursuant to Chapters VII and VIII of the Charter of the United Nations could be excluded from the scope of the convention.

31. The revised text of article 13, paragraphs 1 and 5 also incorporated the provisions of article 9, paragraphs 1 and 5 of the International Convention for the Suppression of Terrorist Bombings. Under those provisions, States Parties would undertake to include the offences set forth in article 2 as extraditable offences in any extradition treaty concluded between them before the entry into force of the convention and the provisions of all existing extradition treaties between States Parties would be deemed to be modified as between those States Parties to the extent that they were incompatible with the convention. Because of its domestic law constraints, Pakistan could not assume the obligations stipulated in article 13. Article 15, like article 11 of the International Convention for the Suppression of Terrorist Bombings, was incompatible

with the laws of Pakistan, which recognized only offences of a political nature.

32. Pakistan's most crucial reservation concerned article 18 of the draft convention, which incorporated the obligations imposed by the Treaty on the Non-Proliferation of Nuclear Weapons. Pakistan had therefore proposed amendments to the relevant provisions, since it was not in a position to agree that a role should be accorded to IAEA in article 18, paragraphs 3 and 6. International treaties should be fair, equitable and non-discriminatory, since it was only then that they could achieve universal adherence. As currently formulated, article 18 distinguished between States Parties on the basis of their differing obligations and status under another international treaty and, in doing so, would only further consolidate the existing discrimination between the two sets of States. Pakistan also found it inappropriate that, under article 25 of the draft convention (analogous to article 22, paragraph 1 of the International Convention for the Suppression of Terrorist Bombings), only 22 ratifications would be required for the entry into force of the convention. The number of ratifications should be at least 60, a figure which had been established recently in the Statute of the International Criminal Court. Pakistan was in favour of the proposal put forward by the Syrian Arab Republic that the preamble should take a comprehensive view of international terrorism, since that was a valid suggestion which had been drawn from other international treaties already concluded.

33. His delegation was aware that the positions of delegations differed on the points he had highlighted. In that respect, it fully supported the view expressed in the Committee by the representative of Zimbabwe on behalf of the Movement of Non-Aligned Counties that action on the draft convention should be delayed pending further consultations. His delegation hoped that, in its final form, the convention would clearly reflect the concerns expressed by Pakistan and other countries so that it would be fair, balanced and non-discriminatory; his delegation reserved the right to make further proposals with regard to the text currently under consideration and other texts which might be submitted in the future. Since one convention had already been approved and a second was under consideration, the time had come to agree on the modalities of the last part of the Ad Hoc Committee's mandate pursuant to paragraph 9 of General Assembly resolution 51/210 "to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism". In that respect, Pakistan was considering the proposal put forward by France for an international convention for the suppression of terrorist financing.

34. Agreement must now be reached on a legal definition of terrorism which would codify the issue in a comprehensive manner. In resolutions 40/61 and 46/51, the General Assembly had consistently stressed that all States should contribute to the progressive elimination of the causes underlying terrorism. It had also urged States to pay special attention to all situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien occupation, that might give rise to international terrorism and endanger international peace and security. In that respect, the Committee should pay due attention to the final document of the summit meeting of the Movement of Non-Aligned Countries, held in Durban, which had once again reaffirmed the principle of the legitimacy of the struggle of peoples under colonial or alien domination and foreign occupation for national liberation and self-determination, and had reiterated that that struggle did not constitute terrorism, a position which Pakistan supported. The final document had also called once again for a definition of terrorism to differentiate it from that legitimate struggle. In that spirit, Pakistan fully supported the call of the Durban summit for the convening of an international summit conference under the auspices of the United Nations so that the international community could formulate a joint, organized response to terrorism in all its forms and manifestations.

35. Pakistan would not be a party to any attempt to sanction State terrorism, particularly when it was perpetrated against national liberation movements. That was a matter of the utmost concern to his Government and to the people of Pakistan, who observed the perpetration of such policies in Indian-held Kashmir every day. The struggle of the Kashmiri people for their inalienable right to self-determination could not be suppressed by resorting to the colonial practice of exercising control over their destiny and aspirations through State-sponsored terrorism.

36. **Mr. Al-Tani** (Qatar) said that his delegation condemned terrorism, which was contrary to Islam and its principles of tolerance and constituted a threat to international peace and security; the international community must therefore carry out concerted action to combat that blight and eliminate its causes. In that respect, the first Arab convention to combat terrorism, of 1998, demonstrated that the Islamic world rejected terrorism and defended the principles of the Charter of the United Nations and the Charter of the League of Arab States, and the norms of international law.

37. For its part, the international community also needed to draw up an appropriate convention. However, an international conference must first be held, under the auspices of the United Nations, to define the concept of terrorism. The

Secretary-General of the United Nations should submit a report on the subject to the General Assembly at its fifty-fourth session.

38. It was essential to distinguish between terrorism and the legitimate struggle of the peoples for independence, territorial integrity, national unity and liberation from foreign colonial domination in conformity with international law. It was therefore regrettable that, on some occasions, definitions were drawn up which were based on political considerations whose purpose was to brand certain States as terrorists.

39. **Mr. Al-Akwaa** (Yemen) said that terrorism was a threat to stability, democracy, and economic and cultural development in all countries; it had particularly serious consequences in developing countries, because their economic infrastructure, public institutions and security organs were so fragile. The international community must therefore take coordinated action to combat that evil.

40. His country reiterated its strong condemnation of terrorist acts perpetrated by organizations, individuals or States, whatever their motives or objectives. It was adapting its legislation to take account of the international agreements to which it was a party and would participate in international efforts to combat terrorism. Furthermore, his Government was considering acceding to other international conventions in the field.

41. His delegation appealed urgently to all States to implement the provisions on political asylum contained in the conventions to which they were parties and in other instruments; in particular, they should implement paragraphs 2, 3 and 5 of the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, which was annexed to General Assembly resolution 51/210, whose aim was to prevent terrorists from seeking the protection of asylum law and refugee status. Moreover, terrorists must be denied sources of financing, which was why his delegation regarded as acceptable the text of the draft international convention for the suppression of terrorist financing (A/C.6/53/9), prepared by France.

42. With respect to the draft international convention for the suppression of acts of nuclear terrorism, he said that, under the last preambular paragraph, military forces were outside the framework of the convention because they were governed by other rules of international law. However, international law was not clear on the issue of the use of nuclear weapons; the advisory opinion of the International Court of Justice on the subject should therefore be taken into account. Furthermore, in article 4, paragraph 2, of the draft convention, no limit was set on the use of nuclear weapons by armed forces during an armed conflict. The use of weapons of mass destruction and the threat to make use of such weapons must therefore be prohibited in that provision.

43. His delegation believed that burying nuclear or radioactive waste should be regarded as a crime against humanity and against the environment and should therefore be included in article 2, paragraph 2 (b), of the draft convention.

44. The concept of terrorism was not defined in the draft convention. He would have liked the Working Group to have defined that concept so as to avoid any ambiguity and so as to ensure that it was in keeping with the Charter of the United Nations and the rules of international law governing relations between States.

45. **Mr. Kyi** (Myanmar) said that his Government had repeatedly expressed its support for measures to eliminate international terrorism since the relevant item had been included in the agenda of the United Nations General Assembly in 1972. He therefore welcomed the fact that at its fifty-second session, the Assembly had adopted resolution 52/165, in which it called upon States to enact, as appropriate, domestic legislation necessary to implement the provisions of the relevant conventions and protocols, to ensure that the jurisdiction of their courts enabled them to bring to trial the perpetrators of terrorist acts and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end. His delegation therefore fully supported and commended the work of the Working Group on the draft convention on the suppression of nuclear terrorism.

46. **Mr. Cho** (Republic of Korea) said that, having been a victim of flagrant acts of international terrorism, his country strongly condemned all acts of terrorism as criminal and unjustifiable. Terrorism did not recognize national frontiers and was not linked to any particular civilization, religion or geographical area. Given the pernicious effects of terrorism, it was logical that the General Assembly should step up its efforts to strengthen international cooperation to eradicate that scourge. That difficult but essential task had been given a new momentum as a result of the 1994 Declaration on Measures to Eliminate International Terrorism and the 1996 Declaration to Supplement the 1994 Declaration, which had been followed by General Assembly resolution 51/210 on measures to eliminate international terrorism, the International Convention for the Suppression of Terrorist Bombings and the current draft convention for the suppression of acts of nuclear terrorism, for all of which his country reaffirmed its strong support.

47. The international community was facing new realities. The threat that nuclear terrorism represented for the peoples

of the world and the international community exceeded by far the dangers that conventional terrorist acts entailed, since it could have a devastating effect on peace and security. His country therefore welcomed the outcome of the intensive negotiations held in September and October 1998 and was convinced that the current draft convention represented a positive development with respect to the international community's endeavours to prepare a universally accepted instrument to curb or eliminate the threat of nuclear terrorism. There were, however, a number of issues that needed to be clarified and settled. For example, the issue of the non-applicability of the convention to military activities had yet to be settled. Furthermore, the convention also needed further work in order to ensure that it would be effective and to avoid overlapping with existing agreements.

48. His country wished to emphasize the role that could be played by IAEA in implementing the convention, given its experience with nuclear matters and, in particular, its involvement in the process of adopting and implementing the Convention on the Physical Protection of Nuclear Material, which assigned to IAEA a set of functions that made it into a focal point for consultations with a view to ensuring cooperation and coordination in nuclear matters. His country therefore believed that the views of IAEA should be fully reflected in future debates on the draft convention; it also hoped that article 7, paragraphs 1 and 2, and article 18, paragraph 6, concerning the function of IAEA would be kept as they were worded in the Working Group's report. His delegation would play an active part in completing the drafting of the convention for the suppression of acts of nuclear terrorism and supported unreservedly the international community's efforts to combat nuclear terrorism, just as it had supported all condemnations of terrorism in the past.

49. **Mr. Gao Feng** (China) said that his Government had always opposed international terrorism in all its forms, whether committed by a State, an organization, a group or an individual. At the same time, it was opposed to any action taken with a view to combating international terrorism that violated the basic principles of international law by infringing upon the sovereignty and territorial integrity of States and interfering in the internal affairs of States. His delegation was in favour of enhancing international cooperation to combat international terrorism and was therefore pleased to note that the Ad Hoc Committee established under General Assembly resolution 51/210 had completed the draft international convention for the suppression of acts of nuclear terrorism and had submitted it to the Sixth Committee for consideration. His delegation was satisfied with the content of the draft convention and hoped that it would be adopted by the Sixth Committee. The international community should also undertake in-depth studies of the root causes of the rise and development of international terrorism and of its social basis so as to gradually reduce and eliminate terrorist acts.

50. China had ratified or acceded to many international conventions against international terrorism, joined international organizations which dealt with the question, and participated in international legislative activities such as the negotiations in the Ad Hoc Committee on the international convention for the suppression of terrorist bombings and the international convention for the suppression of acts of nuclear terrorism. It had always conscientiously fulfilled its international obligations and had participated actively in bilateral and multilateral cooperation projects aimed at preventing and punishing international terrorist crimes. In particular, it had strengthened its cooperation with countries involved in investigations, the collection of evidence, the exchange of information and extradition. It had also perfected its domestic laws and regulations to provide a legal basis for efforts to prevent and suppress international terrorism.

51. **Mr. Mwakawago** (United Republic of Tanzania) said that his delegation associated itself with the statement made by the representative of Zimbabwe on behalf of the Movement of Non-Aligned Countries, with the sentiments expressed to the Secretary-General in connection with his report on measures to eliminate international terrorism (A/53/314) and the statement made by Mr. Kirsch, Chairman of the Working Group of the Sixth Committee. On 7 August 1998, his country had, for the first time, been the scene of a major terrorist attack aimed at the Embassy of the United States of America. His Government was grateful for the financial and material supported extended to it by many Governments following the incident. International cooperation had been decisive in the investigation into persons suspected of involvement in the attack. The Federal Bureau of Investigations (FBI) of the United States deserved special mention in that regard.

52. His country's extremely limited capacity in that area underscored the importance of examining urgent measures to implement paragraph 10 (d) of the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60, which called for "a review of existing possibilities within the United Nations system for assisting States in organizing workshops and training courses on combating crimes connected with international terrorism". For that reason, his delegation noted with concern that, according to the report of the Secretary-General (A/53/314), the Centre for International Crime Prevention of the Secretariat had held no training programmes on the topic of international terrorism during the reporting period. It looked forward, however, to the planned study on

the root causes of terrorism and on practical measures to prevent and counter it, including training.

53. His delegation would support continued efforts to prepare a draft convention for the suppression of acts of nuclear terrorism which would be acceptable to all States and welcomed the proposals regarding the elaboration of a convention on the suppression of terrorist financing and the convening of an international conference on terrorism. With regard to the draft convention for the suppression of terrorist bombings, his delegation was of the opinion that article 4, paragraph 2, raised issues which required further examination. Lastly, efforts should be redoubled to reach an internationally acceptable definition of the concept of terrorism, since that was essential if an effective international strategy was to be developed. In the meantime, his delegation would continue to support all efforts made to criminalize such conduct.

54. **Ms. Willson** (United States of America), speaking in exercise of the right of reply, said that the representative of the Sudan had devoted the greater part of his statement to a complaint against the United States and had focused his attention on its rejection of dialogue with the Sudan. He had, however, failed to recognize that actions spoke louder than words. It was to be hoped that the Sudan would cease its support for terrorists and terrorist groups and thus comply with the admonition in the Declaration on Measures to Eliminate International Terrorism that States should not permit their territory to be used for the preparation of terrorist acts. The measures to which the representative of the Sudan had referred had been carried out only after repeated efforts to convince the Government of the Sudan to shut down the terrorist activities. The United States had acted in accordance with the right of self-defence, confirmed in the Charter of the United Nations, to put an end to the production of potentially lethal chemical weapons.

55. With regard to the complaint that there had been no fact-finding mission to investigate the incident, she said that the United States believed that such a mission would be useless, given the passage of time, the severe flooding in Khartoum and the fact that the site had not been protected to allow for scientific evaluation. The Sudan's call for a fact-finding mission was an attempt to divert attention from the real issue: its support for terrorism. If the Government of the Sudan was truly interested in demonstrating to the international community that it was not involved in the development of chemical weapons, it should accede to the Convention on Chemical Weapons.

56. Finally, she said that she completely rejected the statement that the actions of the United States targeted Islam and Muslims. The target was terror, as had been clearly stated by the President of the United States in his statement to the General Assembly and in his statement shortly after the strike on the pharmaceutical factory in Khartoum. The United States conflict was with terrorism. It was not based on race, gender, national origin or religion, but simply on the abhorrent, illegal and murderous nature of the acts in question.

57. **Mr. Mohamed** (Sudan), speaking in exercise of the right of reply, said that he had hoped that the representative of the United States would respond to the different queries that had been raised in his delegation's statement. In view of the fact that the Sudan had tried to hold a serious political dialogue, at the highest level of the Security Council, without any preconditions, he wondered why the United States had rejected its initiatives and continued to make unfounded charges that the territory of the Sudan was open to terrorism and terrorists. The Sudan wished to assure the United States, in particular, and the international community in general that those charges were without any basis.

58. For civilized countries and Members of the United Nations, it was normal to resort to the United Nations to settle disputes. Deviation from that procedure could have very serious consequences; for instance, it could result in acts of armed aggression with sophisticated weapons. If the objective of the United States in its armed aggression against the Sudan had been to combat terrorism, it had not been able to achieve that objective; it had, instead, only placed further obstacles in the way of the international community.

59. His delegation wished to reaffirm that the way to resolve any problem was to have recourse to wisdom and to the United Nations agreements and conventions and the instruments which the Organization was trying to elaborate. Other methods had no basis. The use of a double standard and psychological measures against Muslims and Islam were also a cause of great concern.

The meeting rose at 1 p.m.